

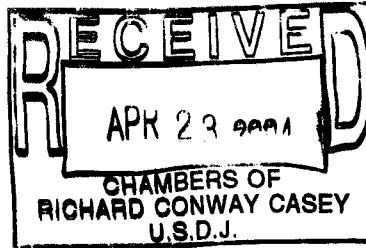
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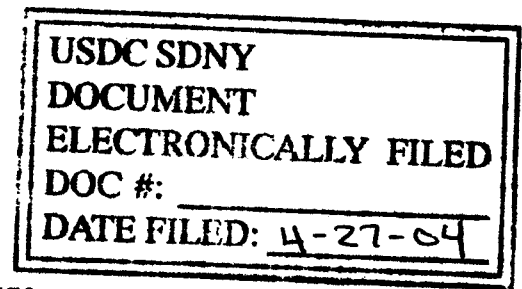
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**BY HAND**

April 22, 2004

Hon. Richard Conway Casey  
United States District Judge, Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1350  
New York, New York 10007-1312



Re: *In re Terrorist Attacks of September 11, 2001*, MDL 1570

Dear Judge Casey:

This firm, along with Motley Rice LLC and other law firms, represents the plaintiffs in *Burnett v. Al Baraka Investment & Development Corp.*, 03 CV 9849 (RCC), one of the actions consolidated into this MDL proceeding. We write to request an extension of time, until June 4, 2004, to respond to the 21 motions to dismiss filed by various defendants on April 9, 2004. In the absence of any action by the Court, our responses would be due on April 23, 2004. As detailed below, counsel for some, but not all of the moving defendants, have consented to this request.

In an Order dated February 6, 2004, this Court provided that "[t]he deadline to file an Answer for those Defendants who intend to file a motion to dismiss is extended to April 9, 2004." The February 6 Order further provided that "motions to dismiss by those Defendants who have requested permission to file such motions" would be served on or before March 5, 2004. Thus, the February 6 Order established two separate deadlines, one for motions to dismiss to be filed by defendants who had previously requested permission to file and another for motions from defendants who had not yet sought permission. In Case Management Order #1, dated March 3, 2004, the Court extended the date for service of motions to dismiss by defendants who had requested permission to file such motions to March 19, 2004 and established a briefing schedule for those motions, pursuant to which plaintiffs' opposition would be filed by May 14, with defendants' reply papers to be filed by May 28. No briefing schedule was provided for those motions to dismiss that were to be filed by April 9, 2004.

On March 19, 2004, 11 defendants filed motions to dismiss in the various cases consolidated into this proceeding, pursuant to the schedule set forth in Case Management Order #1. On April 9, 2004, an

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additional 21 defendants filed motions to dismiss in *Burnett*.<sup>1</sup> In the absence of a briefing schedule from the Court, Local Rule 6.1 would require that responses to these 21 motions be served within ten business days after service of the motions – that is, by April 23, 2004. The *Burnett* Plaintiffs believe that this two-week deadline provides insufficient time to respond to this volume of motions, would interfere with the appropriate briefing of the first (March 19) wave of motions, and appears contrary to the Court's intention in establishing the briefing schedule for the March 19 motions.

Based on the amount of time provided in Case Management Order #1 for responses to the first wave of motions, the *Burnett* Plaintiffs propose that the deadline for their opposition to the second (April 9) wave of motions be extended to June 4, 2004, with reply papers to be filed by June 18, 2004. This provides the parties the same amount of time to brief the second wave motions (56 days for opposition, 14 days for reply) as they were given to brief the first wave.

On April 21 and 22, 2004, my co-counsel, Harry Huge and Will Riley, contacted Asraf Nubani, Alan Kabat, and Tim McCarthy, who among them represent all of the defendants who filed motions to dismiss on April 9, 2004. Mr. Nubani (representing Aqeel Al-Aqeel, Al Haramain Islamic Foundation, Mohamad Jamal Khalifa, Saleh O. Badahdah, Abdul Al-Moslah, Sulaiman Al-Ali, Abdullah M. Al-Mahdi, and Islamic Assembly of North America) agreed to the extension requested by plaintiffs. Mr. McCarthy (who represents DMI Administrative Services S.A.) indicated in a voice-mail that his client would agree to an extension of time, but at the time of signing this letter, we had not heard back from him in response to our specific request for an extension until June 4 and because of the press of time, were unable to wait for his return call. Mr. Kabat (representing the remainder of the defendants who filed motions on April 9) would agree to an extension only until May 7, 2004 – that is, one week before the due date for the briefs in opposition to the “first wave” motions. The *Burnett* plaintiffs respectfully submit that this is an insufficient amount of time and ask that the Court approve plaintiffs' proposed briefing schedule, with opposition briefs due on June 4, 2004, and reply briefs due on June 18, 2004.

Respectfully,

Paul J. Hanly, Jr.

*Richard Conway Casey 4/22/04*

<sup>1</sup> The defendants who filed motions on April 9, 2004 are: Shahir Abdulraoof Batterjee, Abdullah Omar Naseef, Abdullah Muhsen Al Turki, Saleh Al-Hussayen, Sheik Salman Al-Oawdah, Sheik Hamad Al-Husaini, Safar Al-Hawali, DMI Administrative Services S.A., Abdul Rahman Al Swailem, Mohammed Ali Sayed Mushayt, Abdullah Bin Saleh Al-Obaid, Saudi Red Crescent, Adel Abduljalil Batterjee, Aqeel Al-Aqeel, Al Haramain Islamic Foundation, Mohamad Jamal Khalifa, Saleh O. Badahdah, Abdul Al-Moslah, Sulaiman Al-Ali, Abdullah M. Al-Mahdi, and Islamic Assembly of North America.

*Opposition papers to motions  
 filed on April 9, 2004 shall be  
 due on June 4, 2004 and  
 reply papers for those  
 motions shall be due on June 18, 2004.  
 cc: All Counsel (via email or fax)*